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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,379	04/22/2004	Valerie L. Hern-Fonseth	FON001-1456	7088
7590	08/30/2004		EXAMINER	VAN, QUANG T
DIEDERIKS & WHITELAW, PLC 12471 Dillingham Square, #301 Woodbridge, VA 22192			ART UNIT	PAPER NUMBER
			3742	
DATE MAILED: 08/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/829,379	HERN-FONSETH ET AL.	
	Examiner	Art Unit	
	Quang T Van	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1,2,9-13 and 20-28 is/are rejected.
- 7) Claim(s) 3-8 and 14-19 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 April 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/22/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____. |

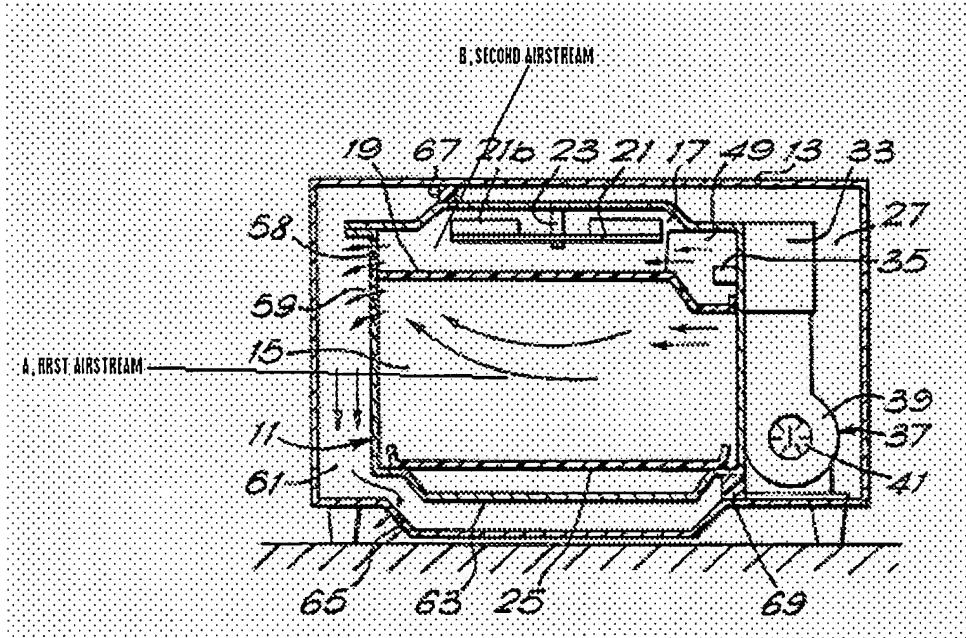
Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 11-13, 22-26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagafusa et al (US 4,743,728). Nagafusa discloses a microwave oven comprising an oven cavity (15) including top (19), bottom (63), rear (13), and opposing side walls (11, 47), as well as an open frontal opening; a door (71) being adapted to selectively extend across the frontal opening or enable access to the oven cavity (15); a magnetron (33); a control panel (73) including a plurality of control elements (col. 4, lines 32-36); an air flow system for establishing an airflow for the cooking appliance including an intake portion (29) for introducing an ambient airflow into the cooking appliance, said ambient airflow establishing a first airstream (A, figure below) directed into the oven cavity and a second airstream (B, figure below) directed outside the oven cavity; an exhaust portion (65) for enabling the first (A) and second (B) airstreams to exit the cooking appliance; and a diverter member (11 and 63) guiding the second airstream (B) to mix with the first airstream (A), prior to the exhaust portion (65), at a predetermined region outside the oven cavity, wherein moisture carried by the first airstream (A) is carried out through the exhaust portion (65) and away from the cooking appliance.



Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagafusa et al (US 4,743,728) in view of Sohn (US 6,127,666) or Yamaguchi et al (US 5,235,148). Nagafusa discloses substantially all features of the claimed invention except a turntable located in the oven cavity and a motor mounted below the oven cavity for rotating the turntable, said second airstream flowing across the motor. Sohn and Yamaguchi disclose a turntable located in the oven cavity and a motor mounted below the oven cavity for rotating the turntable, said second airstream flowing across the motor (figure 4, Sohn and figure 2, Yamaguchi). It would have been obvious to one

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having ordinary skill in the art at the time the invention was made to utilize in Nagafusa a turntable located in the oven cavity and a motor mounted below the oven cavity for rotating the turntable, said second airstream flowing across the motor as taught by Sohn and Yamaguchi in order to cool the turntable motor.

5. Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagafusa et al (US 4,743,728) in view of Kim (US 6,369,372). Nagafusa discloses substantially all features of the claimed invention except a second cavity located below said oven cavity, said control panel being located vertically between the oven cavity and said second oven cavity. Kim discloses a second cavity (10) located below said oven cavity (20), said control panel (figure 1) being located vertically between the oven cavity (20) and said second oven cavity (10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Nagafusa a second cavity located below said oven cavity, said control panel being located vertically between the oven cavity and said second oven cavity as taught by Kim in order to control the operation of second cavity.

6. Claims 3-8 and 14-19 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QTV

QV
August 27, 2004



Quang T Van
Primary Examiner
Art Unit 3742